

**Cowley, Steven M.**

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**From:** Lackman, Eleanor <eml@msk.com>  
**Sent:** Saturday, December 18, 2021 1:51 PM  
**To:** Cowley, Steven M.; Mullins, Bradley; Edelstein, Lindsay  
**Cc:** Chen, Peggy S.  
**Subject:** RE: [EXTERNAL] Activity in Case 1:21-cv-03514-AT-JLC Tom Hussey Photography, LLC v. BDG Media, Inc. Order

Counsel,

Sounds like we don't have a deal. We'll reach out to Judge Cott for assistance.

Regards,  
Eleanor

Eleanor M. Lackman  
Mitchell Silberberg & Knupp LLP

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**From:** Cowley, Steven M. <[SMCowley@duanemorris.com](mailto:SMCowley@duanemorris.com)>  
**Date:** Saturday, Dec 18, 2021, 1:48 PM  
**To:** Lackman, Eleanor <[eml@msk.com](mailto:eml@msk.com)>, Mullins, Bradley <[bym@msk.com](mailto:bym@msk.com)>, Edelstein, Lindsay <[le@msk.com](mailto:le@msk.com)>  
**Cc:** Chen, Peggy S. <[PSChen@duanemorris.com](mailto:PSChen@duanemorris.com)>  
**Subject:** RE: [EXTERNAL] Activity in Case 1:21-cv-03514-AT-JLC Tom Hussey Photography, LLC v. BDG Media, Inc. Order

-EXTERNAL MESSAGE-

Counsel,

I have attached a Word version of the parties' settlement agreement identifying defendant's edits circulated this morning that plaintiff accepts, and those that it does not accept, in track changes.

[REDACTED]

[REDACTED] Plaintiff does not agree that any further delay to address proposed terms raised after the settlement agreement was reached is appropriate.

The Court established the deadline for defendant to obtain one of its conditions – dismissal with prejudice. Defendant unilaterally requested and received an extension of that deadline to January 10, 2022. In order for Plaintiff to timely file a motion to re-open its lawsuit, which will be necessary should defendant fail to make the agreed upon settlement payment, plaintiff will require at least one full business day prior to that deadline – January 7 - for its counsel to prepare and plaintiff to review, make any revisions, and approve filing of the necessary motion papers on January 10. This necessarily requires a deadline for payment of January 6, 2022. Plaintiff will not agree to a later deadline at this time, and will not agree in advance to an extension of the revised deadline established by the Court for seeking to re-open the lawsuit. Should defendant believe it has good cause to seek a second extension of that deadline, plaintiff will consider the circumstances identified before determining how to respond, and plaintiff reserves the right to oppose such a motion.